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1942-43

File No 126-42

Previous References

(nil) .

Serial Nos 15

Later References

nil 52-43-142

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for

SUBJECT

Proceedings of the meeting of the nil cl Bloc, held on 28-10 42

BANGALORE CITY MUNICIPALITY

No C, C 776/42

Encl one

MUNICIPAL OFFICES

Bangalore 20th November 1942

Rec 126-42-15

From

ABDUL AZIZ KHAN Esq B A
MUNICIPAL COMMISSIONER
BANGALORE CITY

To

C NARAYANASWAMI NAIDU, ESQ, B A, B L,
SECRETARY TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE
LAW DEPARTMENT BANGALORE

SIR

I have the honor to forward herewith for orders of Government, an extract from the Minutes of the Proceedings of the Council meeting held on 28th October 1942 regarding the proposition of Mr M A Gopalswami Iyengar in the matter of holding an independant enquiry into the allegations of Police excesses in connection with the recent political disturbances etc

I have the honor to be,
S i r,
Your most obedient servant,

MUNICIPAL COMMISSIONER

Forwarded with compliments

Honorary Vice President

Submit for Secretarial orders

Law Secy

Secretary

Minister L SG

Minister Law

3174/α

4 The question whether it is proper for a local Council to adopt such a Resn whether in the present circumstances, such an attitude does not practically amount to suppression of the Council's views has to be examined under the powers of the Rules

4929/α M

Rec 8/12

OFFICE OF THE MINISTER FOR TELEGRAPHS
Date 7 12 42
No 4464

5) Mee 6/12/42

Rec 8/12

Circ 7-12-42

Mr Mukherjee, Sec I

6) [illegible] 16 12 42 — pursuance to decision Circ 16-12-42

I think reference is invited to the proviso to Sec 27 (3) of the Supreme Court Rules Act 1933 according to which a motion or proposition of which a councillor or councillors shall have given notice for discussion at a meeting of municipal administration shall not be entertained with the provisions of the regulations as to the business have also been issued in form No L 5038-47/1 and 133-37-1 dated 4 12 37

to all the municipal councils in the State to effect that the business transacted at a meeting of the municipal meeting – which ordinary or special – should be confined to matters connected with the municipal administ the resolution passed by the Municipal Council at their meeting held on the 10 Inst urging upon the Govt to hold an independent enquiry into the allegations of three councillors connected with the recent political disturbances (2) to release political prisoners detenus & (3) to withdraw all prohibitory orders & repressive measures does not come within the purview of the municipal council & is contrary to the provisions of the Act & in defiance of the instructions issued by the Govt. Moreover it involves an infringement on the City Police Act 1933 enabling the Govt to expunge remarks from the proceedings of the meeting except it be by recourse to supersession under sec 242 of the Act – which is rather an extreme step

It has been noted in the Local Ministers minute above that the question as to whether in the present circumstances such an attitude does not justify suspension of the Council under the Defence Rules.

Read rejoinder submitted to rule 38 B(1) of the Defence Rules – Part VI

Pages 73 & 74 of the book

according to which the Govt may, by an order supersede a local authority for such period as may be specified in the order, if it has passed any resolution appearing to it to be defective, prejudicial to the defence, public safety, the maintenance of public order, efficient prosecution of war or the maintenance of supplies and services essential to the life of the community. It is for consideration if the resolution in question can be brought under any one of the five categories referred to above and action taken accordingly. For orders - Para 4 of Govt Law Secy letter 18/12/42

The Law Secretary will please put up a note by tomorrow

18-12-42

Asst Secy (Law & Ldg) 18/12/42

There is not the slightest doubt that the Resolution in question, is not a matter connected with the municipal administration of the Shetsar area of that town. Thus the Council has not acted ultra vires in passing the Govt order dated 4 & 12 37 (vide Flag K)

By passing such a Resolution the Council, has not only transgressed Flag K vires

42 88 44 21/2

P Meeting of the Bangalore [redacted] Municipal Council

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but has also ~~the~~ approved etc, a way the activity of Political prisoners & detenues, which the Govt have suppressed Because the activity of Political prisoners & detenues is prejudicial to the defence of British India, & the maintenance of Public order & the [redacted] efficient prosecution of War, ~~they~~ Govt have suppressed their activity under the defence of India Rules, & the Council by passing such a Resolution have shown their disapproval of the measures adopted by Govt.

I think such a Resolution does come under the purview of Rule 38 B (1) of the Defence of India Rules

But my suggestion is that before taking action under Rule 38(B) (1) of the Rules, Govt may inform the Council, that as the Resolution in question is not connected with Municipal administration, Govt think it ~~is~~ necessary for the Council to withdraw the said Resolution, if not, to show cause, why the Govt should not proceed, as they are entitled under Rule 226 (1) of the Corporation Act read with Rule 38 (B) (1) of the Rules

Dy Secretary) 3
19/1/42

I cannot agree that the case can be dealt with under the provisions of R 38 (B) (1) Powers are provided for in matters

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uncommenced with the Municipal administration as such & the resolution was carried passed the delegate deputed & the instructions given on the G[illegible] dated 4-12-1937 & knowing the provisions of § 27(3) of the City Municipal Act - Under some action must be taken under § 226 & dissolve or supersede the Municipal Council

Thus & other Resolutions were passed at a time when a certain section had ceased & their Powers & Duties were coming to an end & the Indian [illegible] Panchayats & would suggest that a warning may be given now & the Council benefits in the event of such action being taken

Cus
14-12-42

No 10/42

Minutes of the proceedings of the Ordinary General Meetin of the City Municipal Council, held on Wednesday the 28th October 1942 at 3 P M in the Council Chamber of the City Municipal Offices, Bangalore

P r e s e n t

V Venkataswami Chetty, Esq ,

Honorary President in Charge

Messrs		Messrs	
1	V K Govindarajulu, B A ,B L ,	10	M K Narayana Iyengar B A B L ,
2	R Subbanna	11	M Krishnaswami Pillay
3	Ramalal Thiwari	12	B Subbiah, B Sc ,LL B ,
4	L S Raju, M A (Hons) B L ,	13	Kota Kamakshiah Setty
5	V Venkataramanappa	14	O S Nasarulla Sheriff,M A ,LL B
6	T Gangadharaswami	15	A R A Basith
7	K N Ramaswami, B A ,	16	H B Mohemad Khan
8	C N Narasinga Rao B A ,B L ,	17	Dr M Rouan, M D ,
9	M A Gopalswami Iyengar,M A ,B L ,	18	V Shikkayellappa

A B S E N T

1	W H Hanumanthappa	6	K Shamaraja Iyengar, B A ,
2	G Nanjappa	7	H R Guruv Reddy B A ,LL B ,
3	K Hanumanthiya, B A LL B ,	8	Dr Miss Kamala Ramachadriah
4	B Narasimhiah	9	Mirza Azeezulla Beig
5	M Ganga Setty	10	V a c a n t
		11	V a c a n t

x x x x x x

Mr T Gangadharaswami then moved the following resolution -ಈಚಿನ ಕದಿಮ ಗಲಭೆಯಲ್ಲಿ ಪೋಲೀಸರು ಶಾಲೆಯ ಮಕ್ಕಳನ್ನು ನಡೆಸಿಕೊಂಡ ರೀತಿಯನ್ನು ವಿಷಾದದಿಂದ ಖಂಡಿಸುವುದಕ್ಕೂ ಈ ವಿಷಯದಲ್ಲಿ ಸರ್ಕಾರದವರು ಅನುಸರಿಸಿರುವ ಕ್ರಮವನ್ನು ತೀವ್ರವಾಗಿ ಆಕ್ಷೇಪಿಸುವುದಕ್ಕೂ ಈ ಸಭೆಯು ಅಂಜಿಕೆಯನ್ನು ತಾಳಬಾರದೆಂದೂ ಶಾಲೆಯ ಮಕ್ಕಳು ಅನುಭವಿಸಿರುವ ಕಷ್ಟಗಳಿಗಾಗಿ ಈ ಸಭೆಯು ತನ್ನ ವಿಷಾದವನ್ನು ಸೂಚಿಸಬೇಕೆಂದೂ ಹೇಳಿದರು

and while doing so, he said that the behaviour of the police in handling the school children was very highhanded and they eve even went to the length of booting some of the children He said that it was but right that they should condemn the action of the Government in this matter It was also but fair that the Council should convey its sense of sorrow for the suffering inflicted upon the school children

Mr V K Govindarajulu seconded the above

Mr M A Gopalswami Iyengar then moved the following proposition, % " This Council urges upon the Government (1) to hold an independent Enquiry into the allegations of Police excesses in connection with the recent political disturbances (2) to release all political prisoners and detenues and (3) to withdraw all prohibitory orders and repressive measures"

I Gangadharaswami accepted the above and withdrew his proposition

Then the proposition of Mr M A Gopalswami Iyengar was passed

Sd/- V Venkataswami Chetty,
Hon President in charge

C e p-y

Municipal Commissioner